

Michael Van Wies
8504 Horseshoe Bend Lane
Ooltewah, TN 37363-5627
Bus: 423-715-1800
Res: 423-238-9091
Fax: 423-238-9088

REC'D. TN
REGULATORY AUTH.
02 JUL 5 PM 4 02
OFFICE OF THE
EXECUTIVE SECRETARY

July 4, 2002

Jonathan N. Wike, Hearing Officer
K. David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505
800-342-8350x171(Mr. Wike)
800-342-8359x142(Mr. Waddell)
Fax: 615-741-5015

VIA FACSIMILE & FEDEX

Re: Docket No. 02-00058

Dear Mr. Wike & Mr. Waddell:

Attached you will find copies of a MOTION TO COMPEL CenturyTel to provide the circumstances of the destruction of evidence. As of this date CenturyTel has yet to provide the documentation first requested in my Motion for Discovery.

CenturyTel claims to have purged the data, this is in violation of TRA Rule # 1220-4-2.03(2) which requires CenturyTel to maintain records for two years.

If this data was purged as they claim by an "automatic" procedure then CenturyTel has been in violation of the TRA rules since the inception of this "automatic" procedure. If this data was purged after they were aware of the complaint I feel an explanation is in order as to the destruction of evidence in this complaint.

After CenturyTel admitted the destruction of the evidence to support my complaint they have the effrontery to ask the TRA to dismiss the complaint due to **lack of evidence**.

Now CenturyTel has resorted to "Smoke & Mirrors", by asking BellSouth to provide information on the **BellSouth outgoing** trunks to CenturyTel, and purporting that this supports their claim. BellSouth has no capabilities to monitor calls in the CenturyTel Central Office, they can only determine if a call was completed **after** it reaches them. This complaint concerns calls never getting to BellSouth. The information provided by BellSouth is the same type of data that was requested from CenturyTel that they have yet to provide to the TRA, but find amazingly easy to get from BellSouth.

CenturyTel's contention that they have had no other customer complaints about call completion other than from me is demonstrably false. We have provided the TRA and CenturyTel with a list

POSTED
7/8/02

of others that are experiencing the same type of problem. I am personally aware that on December 11, 2001, Mary Furtney spoke to David Waddell concerning this and other problems.

The reason, in part, for the retention of these records is to answer complaints and insure a level of service. If in fact a policy exists within CenturyTel, in blatant disregard of TRA Rules, requiring the destruction of this data; an investigation should be undertaken as to the purpose of this violation. In light of this apparent lack of knowledge or willful non-compliance of TRA Rules, I am concerned as to what others CenturyTel may be in violation of.

It has become obvious that CenturyTel is willfully attempting to deceive the TRA and I feel strongly that sanctions of some type should be enforced. Furthermore, I understand that the TRA has the authority to order an Independent Audit of these records, and I am requesting that this be done in all of CenturyTel's Tennessee Service Areas to insure both compliance with TRA Rules and the quality of service they are providing.

Yours truly,



Michael Van Wies

cc: Dale Grimes & Ross Booher, Bass, Berry & Sims PLC

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

**COMPLAINT OF MICHAEL VANWIES
AGAINST CENTURYTEL OF
OOLTEWAH-COLLEGE DALE, INC.**

Docket No. 02-00058

MOTION TO COMPEL

The Petitioner respectfully moves to compel CenturyTel to immediately, fully and completely respond under oath to the Interrogatories and Admissions in this motion. To date CenturyTel has improperly failed to respond to my discovery requests in violation of the Tennessee Regulatory Authority's rules and schedules. In support of this motion Petitioner would show as follows.

1. On January 13, 2002, my complaint was filed, part of which concerns the data in question in this case. On March 1, 2002 information was requested in Discovery to support my claim of being unable to complete outgoing calls into the BellSouth Chattanooga tandem.
2. This information was not provided by CenturyTel, but instead was destroyed. See Attachment - 2, Page - 3, Paragraph - 3. The reason given for the destruction was "Due to the voluminous nature of such data, it was automatically purged from the CenturyTel system on a regular basis." The data requested is a single page

per month and even the required storage, on paper, would only be 24 pages. It appears that "voluminous" to CenturyTel is 12 pages per year. This type of data is also normally stored on an electronic media such as disk or tape for archive purposes and in that media ALL of CenturyTel's data for ALL of its Central Offices could be stored on ONE CD-ROM.

3. TRA Rules # 1220-4-3-.03(2) requires CenturyTel to maintain this data for two years. TRA Rule # 1220-4-2-.20 provides for the **ENFORCEMENT PROVISION.** "Violation of the provisions of this chapter shall be subject to the provisions of T.C.A. # 65-4-120.
4. Due to the admitted destruction of the data vital to the resolution of this complaint, and in an effort to determine the circumstances of this willful violation of TRA Rules, I am the following Interrogatories and CenturyTel answer Admissions.

INTERROGATORIES:

- A. State the locations and methods used to store this data.
- B. State CenturyTel's normal duration for storing of these records.
- C. State the names and locations of the individuals responsible for the destruction of this data, and under whose authority they were operating.
- D. State the dates that this data was destroyed.

II. REQUESTS FOR ADMISSIONS:

Individually admit or deny each of the following statements:

- E. As per Attachment # 2, CenturyTel is in violation of TRA Rule # 1220-4-2-.03(2).

RESPONSE:

- F. The data requested was destroyed after CenturyTel was made aware the accuracy of this data was the subject of a compliant filed with the TRA.

RESPONSE:

- G. CenturyTel intentionally destroyed this data to prevent production for discovery.

RESPONSE:

- H. CenturyTel is aware that this data is maintained in the DMS-100 switch located in the Ooltewah-Collegedale central office.

RESPONSE:

- I. CenturyTel is in violation of TRA Rule # 1220-4-2-.03(2) in all of its operating service areas in the State of Tennessee.

RESPONSE:

- J. CenturyTel is in violation of FCC Rules and Regulations concerning the storage and maintenance of this data.

RESPONSE:

- K. CenturyTel has had no customer complaints other than Michael Van Wies in the last twelve months concerning call completion.

RESPONSE:

- L. CenturyTel is aware of its call completion problems.

RESPONSE:

- M. CenturyTel is aware that the required quarterly reports filed with the TRA do not reflect accurate data.

RESPONSE:

- N. CenturyTel is aware of the penalties provided by Tennessee Code Annotated # 65-4-120.

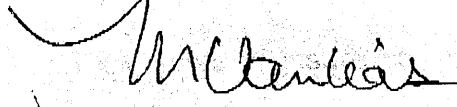
RESPONSE:

- O. This data is purged from all of CenturyTel's Central Offices in Tennessee automatically.

RESPONSE:

I respectfully request that you grant this MOTION TO COMPEL, and request the Tennessee Regulatory Authority consult with the State of Tennessee's Attorney Generals Office, concerning possible Criminal Activity in the destruction of this evidence. It is also requested that an Independent Audit of CenturyTel's required records for all Tennessee Central Offices be preformed as per TRA Rules to insure correct data is reported and maintained.

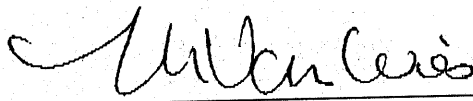
Respectfully submitted,



Michael Van Wies
Petitioner
Pro Se

States mail, properly addressed with sufficient postage affixed thereto to carry it to its destination.

This 4 day of July, 2002.

A handwritten signature in cursive script, appearing to read "Michael Van Wies", written in dark ink.

Michael Van Wies

Michael Van Wies
8504 Horseshoe Bend Lane
Ooltewah, TN 37363-5627
Bus: 423-715-1800
Res: 423-238-9091
Fax: 423-238-9088

July 4, 2002

Jonathan N. Wike, Hearing Officer
K. David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505
800-342-8350x171 (Mr. Wike)
800-342-8359x142 (Mr. Waddell)
Fax: 615-741-5015

VIA FACSIMILE & FEDEX

Re: Docket No. 02-00058

Dear Mr. Wike & Mr. Waddell:

Attached you will find copies of a MOTION TO COMPEL CenturyTel to provide the circumstances of the destruction of evidence. As of this date CenturyTel has yet to provide the documentation first requested in my Motion for Discovery.

CenturyTel claims to have purged the data, this is in violation of TRA Rule # 1220-4-2-.03(2) which requires CenturyTel to maintain records for two years.

If this data was purged as they claim by an "automatic" procedure then CenturyTel has been in violation of the TRA rules since the inception of this "automatic" procedure. If this data was purged after they were aware of the complaint I feel an explanation is in order as to the destruction of evidence in this complaint.

After CenturyTel admitted the destruction of the evidence to support my complaint they have the effrontery to ask the TRA to dismiss the complaint due to **lack of evidence**.

Now CenturyTel has resorted to "Smoke & Mirrors", by asking BellSouth to provide information on the **BellSouth outgoing** trunks to CenturyTel, and purporting that this supports their claim. BellSouth has no capabilities to monitor calls in the CenturyTel Central Office, they can only determine if a call was completed **after** it reaches them. This complaint concerns calls never getting to BellSouth. The information provided by BellSouth is the same type of data that was requested from CenturyTel that they have yet to provide to the TRA, but find amazingly easy to get from BellSouth.

CenturyTel's contention that they have had no other customer complaints about call completion other than from me is demonstrably false. We have provided the TRA and CenturyTel with a list

of others that are experiencing the same type of problem. I am personally aware that on December 11, 2001, Mary Furtney spoke to David Waddell concerning this and other problems.

The reason, in part, for the retention of these records is to answer complaints and insure a level of service. If in fact a policy exists within CenturyTel, in blatant disregard of TRA Rules, requiring the destruction of this data; an investigation should be undertaken as to the purpose of this violation. In light of this apparent lack of knowledge or willful non-compliance of TRA Rules, I am concerned as to what others CenturyTel may be in violation of.

It has become obvious that CenturyTel is willfully attempting to deceive the TRA and I feel strongly that sanctions of some type should be enforced. Furthermore, I understand that the TRA has the authority to order an Independent Audit of these records, and I am requesting that this be done in all of CenturyTel's Tennessee Service Areas to insure both compliance with TRA Rules and the quality of service they are providing.

Yours truly,



Michael Van Wies

cc: Dale Grimes & Ross Booher, Bass, Berry & Sims PLC

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE:

COMPLAINT OF MICHAEL VANWIES
AGAINST CENTURYTEL OF
OOLTEWAH-COLLEGE DALE, INC.

)
)
) Docket No. 02-00058
)
)

MOTION TO COMPEL

The Petitioner respectfully moves to compel CenturyTel to immediately, fully and completely respond under oath to the Interrogatories and Admissions in this motion. To date CenturyTel has improperly failed to respond to my discovery requests in violation of the Tennessee Regulatory Authority's rules and schedules. In support of this motion Petitioner would show as follows.

1. On January 13, 2002, my complaint was filed, part of which concerns the data in question in this case. On March 1, 2002 information was requested in Discovery to support my claim of being unable to complete outgoing calls into the BellSouth Chattanooga tandem.
2. This information was not provided by CenturyTel, but instead was destroyed. See Attachment - 2, Page - 3, Paragraph - 3. The reason given for the destruction was "Due to the voluminous nature of such data, it was automatically purged from the CenturyTel system on a regular basis." The data requested is a single page

per month and even the required storage, on paper, would only be 24 pages. It appears that "voluminous" to CenturyTel is 12 pages per year. This type of data is also normally stored on an electronic media such as disk or tape for archive purposes and in that media ALL of CenturyTel's data for ALL of its Central Offices could be stored on ONE CD-ROM.

3. TRA Rules # 1220-4-3-.03(2) requires CenturyTel to maintain this data for two years. TRA Rule # 1220-4-2-.20 provides for the **ENFORCEMENT PROVISION**. "Violation of the provisions of this chapter shall be subject to the provisions of T.C.A. # 65-4-120.
4. Due to the admitted destruction of the data vital to the resolution of this complaint, and in an effort to determine the circumstances of this willful violation of TRA Rules, I am the following Interrogatories and CenturyTel answer Admissions.

INTERROGATORIES:

- A. State the locations and methods used to store this data.
- B. State CenturyTel's normal duration for storing of these records.
- C. State the names and locations of the individuals responsible for the destruction of this data, and under whose authority they were operating.
- D. State the dates that this data was destroyed.

II. REQUESTS FOR ADMISSIONS:

Individually admit or deny each of the following statements:

- E. As per Attachment # 2, CenturyTel is in violation of TRA Rule # 1220-4-2-.03(2).

RESPONSE:

- F. The data requested was destroyed after CenturyTel was made aware the accuracy of this data was the subject of a compliant filed with the TRA.

RESPONSE:

- G. CenturyTel intentionally destroyed this data to prevent production for discovery.

RESPONSE:

- H. CenturyTel is aware that this data is maintained in the DMS-100 switch located in the Ooltewah-Collegedale central office.

RESPONSE:

- I. CenturyTel is in violation of TRA Rule # 1220-4-2-.03(2) in all of its operating service areas in the State of Tennessee.

RESPONSE:

- J. CenturyTel is in violation of FCC Rules and Regulations concerning the storage and maintenance of this data.

RESPONSE:

- K. CenturyTel has had no customer complaints other than Michael Van Wies in the last twelve months concerning call completion.

RESPONSE:

- L. CenturyTel is aware of its call completion problems.

RESPONSE:

- M. CenturyTel is aware that the required quarterly reports filed with the TRA do not reflect accurate data.

RESPONSE:

- N. CenturyTel is aware of the penalties provided by Tennessee Code Annotated # 65-4-120.

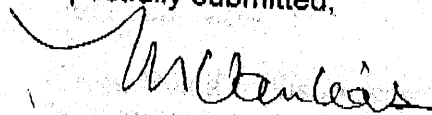
RESPONSE:

- O. This data is purged from all of CenturyTel's Central Offices in Tennessee automatically.

RESPONSE:

I respectfully request that you grant this MOTION TO COMPEL, and request the Tennessee Regulatory Authority consult with the State of Tennessee's Attorney Generals Office, concerning possible Criminal Activity in the destruction of this evidence. It is also requested that an Independent Audit of CenturyTel's required records for all Tennessee Central Offices be preformed as per TRA Rules to insure correct data is reported and maintained.

Respectfully submitted,



Michael Van Wies
Petitioner
Pro Se

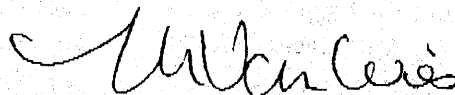
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing document has been duly served upon:

R. Dale Grimes
Bass, Berry & Sims, PLC
AmSouth Center
315 Deaderick Street, Suite 2700
Nashville, TN 37238-3001

Either by facsimile, Federal Express or by placing a copy of it in the United States mail, properly addressed with sufficient postage affixed thereto to carry it to its destination.

This 4 day of July, 2002.



Michael Van Wies

Attachment # 1-

Page 1-02

Michael Van Wies
8504 Horseshoe Bend Lane
Ooltewah, TN 37363-5627
Bus: 423-715-1800
Res: 423-238-9081
Fax: 423-238-9088

March 1, 2002

Mr. K. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505
800-342-8359x142

Re: Docket No. 02-00058

Dear Mr. Waddell:

In reference to CenturyTel's MOTION TO DISMISS, I would like to respond to their items, Numbers-1, 2, & 6.

Items No. 1 & 2:

Their claim that the allegation is demonstrably FALSE is incorrect. Their claim that they have offered REPEAT DIAL, and CALL RETURN since July 2, 2001 in FALSE. These features did not work as late as January 2002. Upon receipt of THE MOTION TO DISMISS we tried the features at my home and they are currently working.

Item No. 6:

I feel that their claim that "completion of 97% of local dialed calls without encountering an equipment busy condition (blockage)" in FALSE based on my experiences. CenturyTel says "that they have not experienced any recent trunk blockages", would imply that they have had them in the past.

Because of this, we are filing for a **MOTION FOR DISCOVERY** for the above three items.

In specific for items #1, & 2, we want CenturyTel to provide for the Tennessee Regulatory Authority the date that the "RECENT CHANGE MESSAGES" were input to their DMS-100 switch to activate these features for public use basis.

In regard to item #6, we want CenturyTel to provide the Tennessee Regulatory Authority, with "TRUNK OVERFLOW DATA FOR THE CHATTANOOGA TANDEM TRUNK GROUP", during PEAK TRAFFIC PERIODS. CenturyTel has stated that they have not experienced any recent trunk blockages, which violate TRA call completion rate standards, this would imply that they have violated these standards in the past. As per TRA Rule 1220-4-2-.34(4)(requiring quarterly formal reports and **ADDITIONAL REPORTS WHEN SURVEILLANCE REVEALS SERVICE PROBLEMS**). We want CenturyTel to produce for us, the DMS-100 switch data used to compile the quarterly report for THIRD QUARTER (JULY, AUGUST & SEPTEMBER) 2001, and a copy of

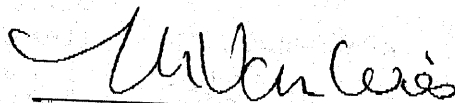
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing document has been duly served upon:

R. Dale Grimes
Bass, Berry & Sims, PLC
AmSouth Center
315 Deaderick Street, Suite 2700
Nashville, TN 37238-3001

Either by facsimile, Federal Express or by placing a copy of it in the United States mail, properly addressed with sufficient postage affixed thereto to carry it to its destination.

This 4 day of July, 2002.



Michael Van Wies

Attachment # 1-

Page 1-02-

Michael Van Wies
8504 Horseshoe Bend Lane
Ooltewah, TN 37363-5627
Bus: 423-715-1800
Res: 423-238-9081
Fax: 423-238-9088

March 1, 2002

Mr. K. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505
800-342-8359x142

Re: Docket No. 02-00058

Dear Mr. Waddell:

In reference to CenturyTel's MOTION TO DISMISS, I would like to respond to their items, Numbers-1, 2, & 6.

Items No. 1 & 2:

Their claim that the allegation is demonstrably FALSE is incorrect. Their claim that they have offered REPEAT DIAL, and CALL RETURN since July 2, 2001 in FALSE. These features did not work as late as January 2002. Upon receipt of THE MOTION TO DISMISS we tried the features at my home and they are currently working.

Item No. 6:

I feel that their claim that "completion of 97% of local dialed calls without encountering an equipment busy condition (blockage)" in FALSE based on my experiences. CenturyTel says "that they have not experienced any recent trunk blockages", would imply that they have had them in the past.

Because of this, we are filing for a **MOTION FOR DISCOVERY** for the above three items.

In specific for items #1, & 2, we want CenturyTel to provide for the Tennessee Regulatory Authority the date that the "RECENT CHANGE MESSAGES" were input to their DMS-100 switch to activate these features for public use basis.

In regard to item #6, we want CenturyTel to provide the Tennessee Regulatory Authority, with "TRUNK OVERFLOW DATA FOR THE CHATTANOOGA TANDEM TRUNK GROUP", during PEAK TRAFFIC PERIODS. CenturyTel has stated that they have not experienced any recent trunk blockages, which violate TRA call completion rate standards, this would imply that they have violated these standards in the past. As per TRA Rule 1220-4-2-.34(4)(requiring quarterly formal reports and **ADDITIONAL REPORTS WHEN SURVEILLANCE REVEALS SERVICE PROBLEMS**). We want CenturyTel to produce for us, the DMS-100 switch data used to compile the quarterly report for THIRD QUARTER (JULY, AUGUST & SEPTEMBER) 2001, and a copy of

2-07-2

the corresponding report as provided to the TRA. My experience during this period was an abnormally high call failure rate. I would also like data as to when and if any additional reports were filed due to service problems.

Yours truly,



Michael Van Wies

cc: Rhonda Lien, Federal Communications Commission-Common Carrier Bureau
Jo D. Nall, United States Department Of Agriculture-Rural Utilities Service
R. Dale Grimes, Attorney for CenturyTel, Bass, Berry, & Sims PLC

*Attachment #2**1-07-4*

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE:

COMPLAINT OF MICHAEL VANWIES
AGAINST CENTURYTEL OF
OOLTEWAH-COLLEGE DALE, INC.

Docket No. 02-00058

RESPONSE TO VAN WIES MOTION FOR DISCOVERY

COMES NOW Century-Tel of Ooltewah-Collegedale, Inc. ("CenturyTel") and hereby responds to Michael Van Wies' March 1, 2002 "Motion for Discovery" (hereinafter "Discovery Request") as follows:

GENERAL STATEMENTS AND OBJECTIONS

1. CenturyTel objects to each of the discovery requests, as well as to any "Definitions" and "Instructions" portions of the Discovery Request, to the extent they seek to expand the scope and obligations of discovery beyond that provided for by law or regulation.
2. CenturyTel objects to each of the discovery requests, as well as to any "Definitions" and "Instructions" portions of the Discovery Request, to the extent they seek disclosure of attorney/client or accountant/client privileged communications; an attorney's legal theories and mental impressions; attorney work product; or proprietary or confidential information, except to the extent the final objection is addressed by the issuance of an agreeable Confidentiality Order by the TRA or by the entry into of a mutually agreeable Confidentiality Agreement which expressly addresses said area of objection.
3. CenturyTel objects to each of the discovery requests, as well as to any "Definitions" and "Instructions" portions of the Discovery Request, to the extent they seek production of documents or things not in their possession, custody or control, including, without

*Attachment #2**1-07-4*

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE:

COMPLAINT OF MICHAEL VANWIES
AGAINST CENTURYTEL OF
OOLTEWAH-COLLEGE DALE, INC.

Docket No. 02-00058

RESPONSE TO VAN WIES MOTION FOR DISCOVERY

COMES NOW Century-Tel of Ooltewah-Collegedale, Inc. ("CenturyTel") and hereby responds to Michael Van Wies' March 1, 2002 "Motion for Discovery" (hereinafter "Discovery Request") as follows:

GENERAL STATEMENTS AND OBJECTIONS

1. CenturyTel objects to each of the discovery requests, as well as to any "Definitions" and "Instructions" portions of the Discovery Request, to the extent they seek to expand the scope and obligations of discovery beyond that provided for by law or regulation.
2. CenturyTel objects to each of the discovery requests, as well as to any "Definitions" and "Instructions" portions of the Discovery Request, to the extent they seek disclosure of attorney/client or accountant/client privileged communications; an attorney's legal theories and mental impressions; attorney work product; or proprietary or confidential information, except to the extent the final objection is addressed by the issuance of an agreeable Confidentiality Order by the TRA or by the entry into of a mutually agreeable Confidentiality Agreement which expressly addresses said area of objection.
3. CenturyTel objects to each of the discovery requests, as well as to any "Definitions" and "Instructions" portions of the Discovery Request, to the extent they seek production of documents or things not in their possession, custody or control, including, without

2-07-4

limitation, personal files, documents, records or other things, of its employees, attorneys, officers, directors or agents.

4. CenturyTel objects to each of the discovery requests, as well as to any

"Definitions" and "Instructions" portions of the Discovery Request, to the extent they seek to expand the duty of supplementation beyond that required by law or regulation.

5. CenturyTel objects to each of the discovery requests on the grounds that, as expanded by any "Instructions" portion of the Discovery Request, as well any certain preamble or explanatory language, they are overly-broad, unduly burdensome, oppressive and seek information that is obtainable more easily and less expensively through deposition testimony or other discovery methods.

6. CenturyTel objects to each of the discovery requests to the extent that they request information that is either under the control or in the possession of any state or federal government entity, agent, employee, or representative, including, but not limited to, the TRA.

7. CenturyTel reserves the right to supplement its responses as additional information becomes known during discovery in this action.

Subject to such statements and objections, and without waiving the same, CenturyTel responds as follows:

RESPONSES

Request 1: "In specific for items #1 ["REPEAT DIAL"], & 2 ["CALL RETURN"] [I] want CenturyTel to provide for the Tennessee Regulatory Authority the date that the "RECENT CHANGE MESSAGES" were input to their DMS-100 switch to activate these features for public use basis."

Response to Request 1: The change messages for the call return and repeat dial features were entered into the DMS-100 switch on May 2, 2001. The change orders documenting this

3-07-4

fact are included as Appendix A of this response. However, the availability of these features was not made public until July 2, 2001, the effective date of the TRA tariff authorizing charges for these features.

Request 2: "In regard to item #6 [trunk blockages], [I] want CenturyTel to provide the Tennessee Regulatory, with [(a)] "TRUNK OVERFLOW DATA FOR THE CHATTANOOGA TANDEM TRUNK GROUP", during PEAK TRAFFIC PERIODS... [(b)] [I] want CenturyTel to produce for [me], the DMS-100 switch data used to compile the quarterly report for THIRD QUARTER (JULY, AUGUST & SEPTEMBER 2001, and a copy of the corresponding report provided to the TRA.... [(c)] I would also like data as to when and if any additional reports were filed due to service problems."

Response to Request 2: CenturyTel responds specifically to each subpart of Request 2 as follows: (a) CenturyTel objects to this request as vague, over-broad and unduly burdensome. This request would require the production of voluminous raw trunk data over an unspecified period of time. However, notwithstanding this objection, CenturyTel confirms that no trunk blockages or service problems have occurred during any of the times alleged by Mr. Van Weis, nor is CenturyTel aware of any trunk blockage problems prior to the dates that Mr. Van Weis alleged that trunk blockage problems occurred. (b) A copy of the information provided to the TRA for the Third Quarter 2001 is attached as Appendix B to this response. Appendix B also includes the information (and cover letters) provided to the TRA for the First, Second, and Fourth Quarters of 2001. The data upon which the Third Quarter report is based no longer exists. Due to the voluminous nature of such data, it was automatically purged from the CenturyTel system on a regular basis. On the date that Mr. Van Weis's discovery request was received by CenturyTel, no data from prior to October 2001 still existed. (c) No additional TRA

4-07-4

reports have been filed with the TRA due to service problems since no such reports have been warranted.

Respectfully submitted,

R. Dale Grimes

R. Dale Grimes (#6223)

Ross I. Booher (#19304)

BASS, BERRY & SIMS PLC

AmSouth Center

315 Deaderick Street, Suite 2700

Nashville, TN 37238-3001

(615) 742-6200

Counsel for CenturyTel of Ooltewah-Collegedale, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Dismiss has been served via Certified United States mail, postage prepaid, on this the 24 day of May, 2002, upon the following:

Michael Van Wies
8504 Horseshoe Bend Lane
Ooltewah, TN 37363-5627.

R. Dale Grimes

Attachment # 3

1-06-3

Michael Van Wies
8504 Horseshoe Bend Lane
Ooltewah, TN 37363-5627
Bus: 423-715-1800
Res: 423-238-9081
Fax: 423-238-9088

January 13, 2002

Mr. K. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505
800-342-8359

Dear Mr. Waddell:

As per our recent conversation last week, I am enclosing a check for \$25, made out to the Tennessee Regulatory Authority, for filing a complaint and having a docket number assigned to my petition.

In this complaint you may find some technical statements which we may have to clarify for you regarding CenturyTel, Inc.

Here are some of the many items, which affect the service area of the City of Chattanooga, Ooltewah, City of Collegedale, and Apison. As you and the commission are probably aware, as of January 1, 2002, some significant changes took place in our community. Per some state laws regarding the annexation due to the 20-year growth plans for the cities and counties, our unincorporated town of Ooltewah now has two telecommunications companies, some 78% served by BellSouth Telecommunications, and some 22% served by CenturyTel.

Many of the businesses and the next wave of properties to be annexed after the five-year moratorium are the residential properties, of which my subdivision and many others are part. We will be put into the fold of and placed on the tax rolls of the City of Chattanooga, to the best of my knowledge, based on the current information supplied to the community. CenturyTel forgets that as a result of the last census and annexation, they do not get federal protection by losing their rural status.

The attitude of customers in the mentioned areas, is that they want CenturyTel to divest itself of the areas involved in the annexation to be served by BellSouth. We are tired of dealing with a company that does not want to do business here anymore. We have spoken with their executive, engineering, sales, regulatory, legal and marketing folks over the last two years to fix the problems, which affect the quality of life, and the aiding of the disabled in our community. The result is always the same-go take a walk, we have the monopoly here and that's the way it will be. So as a result of their attitude we hope that these grievances can get them to move on, and maybe they will learn a lesson, in business ethics.

Please be advised that after inquiring with the 26 or so telecommunications companies, that provide service, here in Tennessee, all have stated that whether or not they use any of the following switches, all pay-per-use features are available. Switches include Stromberg, Lucent 5-ESS, or Nortel DMS-100. CenturyTel has a Nortel DMS-100 here in Ooltewah, and we contacted Nortel, and asked the following. "If we were a telecommunications provider, do we get the same licensed software including features, as the RBOC'S, Sprint or GTE?" The reply was yes. Therefore we find that CenturyTel does not want its customers to have access to all goods and services.

1-07.4

3. CenturyTel objects to each of the discovery requests, as well as to any "Definitions" and "Instructions" portions of the Discovery Request, to the extent they seek production of documents or things not in their possession, custody or control, including, without

2-07-4

limitation, personal files, documents, records or other things, of its employees, attorneys, officers, directors or agents.

4. CenturyTel objects to each of the discovery requests, as well as to any "Definitions" and "Instructions" portions of the Discovery Request, to the extent they seek to expand the duty of supplementation beyond that required by law or regulation.

5. CenturyTel objects to each of the discovery requests on the grounds that, as expanded by any "Instructions" portion of the Discovery Request, as well any certain preamble or explanatory language, they are overly-broad, unduly burdensome, oppressive and seek information that is obtainable more easily and less expensively through deposition testimony or other discovery methods.

6. CenturyTel objects to each of the discovery requests to the extent that they request information that is either under the control or in the possession of any state or federal government entity, agent, employee, or representative, including, but not limited to, the TRA.

7. CenturyTel reserves the right to supplement its responses as additional information becomes known during discovery in this action.

Subject to such statements and objections, and without waiving the same, CenturyTel responds as follows:

RESPONSES

Request 1: "In specific for items #1 ["REPEAT DIAL"], & 2 ["CALL RETURN"] [I] want CenturyTel to provide for the Tennessee Regulatory Authority the date that the "RECENT CHANGE MESSAGES" were input to their DMS-100 switch to activate these features for public use basis."

Response to Request 1: The change messages for the call return and repeat dial features were entered into the DMS-100 switch on May 2, 2001. The change orders documenting this

TRA for the Third Quarter 2001 is attached as Appendix B to this response. Appendix B also includes the information (and cover letters) provided to the TRA for the First, Second, and Fourth Quarters of 2001. The data upon which the Third Quarter report is based no longer exists. Due to the voluminous nature of such data, it was automatically purged from the CenturyTel system on a regular basis. On the date that Mr. Van Weis's discovery request was received by CenturyTel, no data from prior to October 2001 still existed. (c) No additional TRA

*Attachment #2**1-07.4*

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE:

COMPLAINT OF MICHAEL VANWIES
AGAINST CENTURYTEL OF
OOLTEWAH-COLLEGE DALE, INC.

Docket No. 02-00058

RESPONSE TO VAN WIES MOTION FOR DISCOVERY

COMES NOW Century-Tel of Ooltewah-Collegedale, Inc. ("CenturyTel") and hereby responds to Michael Van Wies' March 1, 2002 "Motion for Discovery" (hereinafter "Discovery Request") as follows:

GENERAL STATEMENTS AND OBJECTIONS

1. CenturyTel objects to each of the discovery requests, as well as to any "Definitions" and "Instructions" portions of the Discovery Request, to the extent they seek to expand the scope and obligations of discovery beyond that provided for by law or regulation.
2. CenturyTel objects to each of the discovery requests, as well as to any "Definitions" and "Instructions" portions of the Discovery Request, to the extent they seek disclosure of attorney/client or accountant/client privileged communications; an attorney's legal theories and mental impressions; attorney work product; or proprietary or confidential information, except to the extent the final objection is addressed by the issuance of an agreeable Confidentiality Order by the TRA or by the entry into of a mutually agreeable Confidentiality Agreement which expressly addresses said area of objection.
3. CenturyTel objects to each of the discovery requests, as well as to any "Definitions" and "Instructions" portions of the Discovery Request, to the extent they seek production of documents or things not in their possession, custody or control, including, without

2-07-4

limitation, personal files, documents, records or other things, of its employees, attorneys, officers, directors or agents.

4. CenturyTel objects to each of the discovery requests, as well as to any "Definitions" and "Instructions" portions of the Discovery Request, to the extent they seek to expand the duty of supplementation beyond that required by law or regulation.

5. CenturyTel objects to each of the discovery requests on the grounds that, as expanded by any "Instructions" portion of the Discovery Request, as well any certain preamble or explanatory language, they are overly-broad, unduly burdensome, oppressive and seek information that is obtainable more easily and less expensively through deposition testimony or other discovery methods.

6. CenturyTel objects to each of the discovery requests to the extent that they request information that is either under the control or in the possession of any state or federal government entity, agent, employee, or representative, including, but not limited to, the TRA.

7. CenturyTel reserves the right to supplement its responses as additional information becomes known during discovery in this action.

Subject to such statements and objections, and without waiving the same, CenturyTel responds as follows:

RESPONSES

Request 1: "In specific for items #1 ["REPEAT DIAL"], & 2 ["CALL RETURN"] [I] want CenturyTel to provide for the Tennessee Regulatory Authority the date that the "RECENT CHANGE MESSAGES" were input to their DMS-100 switch to activate these features for public use basis."

Response to Request 1: The change messages for the call return and repeat dial features were entered into the DMS-100 switch on May 2, 2001. The change orders documenting this

3-07-4

fact are included as Appendix A of this response. However, the availability of these features was not made public until July 2, 2001, the effective date of the TRA tariff authorizing charges for these features.

Request 2: "In regard to item #6 [trunk blockages], [I] want CenturyTel to provide the Tennessee Regulatory, with [(a)] "TRUNK OVERFLOW DATA FOR THE CHATTANOOGA TANDEM TRUNK GROUP", during PEAK TRAFFIC PERIODS... [(b)] [I] want CenturyTel to produce for [me], the DMS-100 switch data used to compile the quarterly report for THIRD QUARTER (JULY, AUGUST & SEPTEMBER 2001, and a copy of the corresponding report provided to the TRA.... [(c)] I would also like data as to when and if any additional reports were filed due to service problems."

Response to Request 2: CenturyTel responds specifically to each subpart of Request 2 as follows: (a) CenturyTel objects to this request as vague, over-broad and unduly burdensome. This request would require the production of voluminous raw trunk data over an unspecified period of time. However, notwithstanding this objection, CenturyTel confirms that no trunk blockages or service problems have occurred during any of the times alleged by Mr. Van Weis, nor is CenturyTel aware of any trunk blockage problems prior to the dates that Mr. Van Wies alleged that trunk blockage problems occurred. (b) A copy of the information provided to the TRA for the Third Quarter 2001 is attached as Appendix B to this response. Appendix B also includes the information (and cover letters) provided to the TRA for the First, Second, and Fourth Quarters of 2001. The data upon which the Third Quarter report is based no longer exists. Due to the voluminous nature of such data, it was automatically purged from the CenturyTel system on a regular basis. On the date that Mr. Van Weis's discovery request was received by CenturyTel, no data from prior to October 2001 still existed. (c) No additional TRA

4-07-4

reports have been filed with the TRA due to service problems since no such reports have been warranted.

Respectfully submitted,



R. Dale Grimes (#6223)

Ross I. Booher (#19304)

BASS, BERRY & SIMS P.L.C.

AmSouth Center

315 Deaderick Street, Suite 2700

Nashville, TN 37238-3001

(615) 742-6200

Counsel for CenturyTel of Ooltewah-Collegedale, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Dismiss has been served via Certified United States mail, postage prepaid, on this the 24 day of May, 2002, upon the following:

Michael Van Wies
8504 Horseshoe Bend Lane
Ooltewah, TN 37363-5627.



Attachment # 3

1-06-3

Michael Van Wies
8504 Horseshoe Bend Lane
Ooltewah, TN 37363-5627
Bus: 423-715-1800
Res: 423-238-9081
Fax: 423-238-9088

January 13, 2002

Mr. K. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505
800-342-8359

Dear Mr. Waddell:

As per our recent conversation last week, I am enclosing a check for \$25, made out to the Tennessee Regulatory Authority, for filing a complaint and having a docket number assigned to my petition.

In this complaint you may find some technical statements which we may have to clarify for you regarding CenturyTel, Inc.

Here are some of the many items, which affect the service area of the City of Chattanooga, Ooltewah, City of Collegedale, and Apison. As you and the commission are probably aware, as of January 1, 2002, some significant changes took place in our community. Per some state laws regarding the annexation due to the 20-year growth plans for the cities and counties, our unincorporated town of Ooltewah now has two telecommunications companies, some 78% served by BellSouth Telecommunications, and some 22% served by CenturyTel.

Many of the businesses and the next wave of properties to be annexed after the five-year moratorium are the residential properties, of which my subdivision and many others are part. We will be put into the fold of and placed on the tax rolls of the City of Chattanooga, to the best of my knowledge, based on the current information supplied to the community. CenturyTel forgets that as a result of the last census and annexation, they do not get federal protection by losing their rural status.

The attitude of customers in the mentioned areas, is that they want CenturyTel to divest itself of the areas involved in the annexation to be served by BellSouth. We are tired of dealing with a company that does not want to do business here anymore. We have spoken with their executive, engineering, sales, regulatory, legal and marketing folks over the last two years to fix the problems, which affect the quality of life, and the aiding of the disabled in our community. The result is always the same-go take a walk, we have the monopoly here and that's the way it will be. So as a result of their attitude we hope that these grievances can get them to move on, and maybe they will learn a lesson, in business ethics.

Please be advised that after inquiring with the 26 or so telecommunications companies, that provide service, here in Tennessee, all have stated that whether or not they use any of the following switches, all pay-per-use features are available. Switches include Stromberg, Lucent 5-ESS, or Nortel DMS-100. CenturyTel has a Nortel DMS-100 here in Ooltewah, and we contacted Nortel, and asked the following. "If we were a telecommunications provider, do we get the same licensed software including features, as the RBOC'S, Sprint or GTE?" The reply was yes. Therefore we find that CenturyTel does not want its customers to have access to all goods and services.

2-06-3

Please examine the following grievances, which are given in detail:

- You can not get access to repeat dialing feature by dialing *66 or 1166, on a pay-per-use basis, even if you are physically challenged, disabled, sick, injured, or elderly. You have to buy the feature for \$7/month, plus taxes and fees, then you can have all of the *66 or 1166 you want.
- You can not get access to the call return feature, (the number that called you) by dialing *69 or 1169, on a pay-per-use basis, even if you are physically challenged, disabled, sick, injured or elderly. You have to buy the feature for \$7/month, taxes and fees, and you can have all of the *69 or 1169 you want.
- If you have Caller-ID, with name and number, you pay \$7/month for the feature, but you can not get anonymous call rejection activation by dialing *77 or 1177, or to deactivate anonymous call rejection, by dialing *87 or 1187. Some consumers, who buy Caller-ID, want the anonymous call rejection feature, and CenturyTel refuses to activate it in the switch.

All of the above items are already paid for in the licensed software that CenturyTel pays Nortel for, and would take a few keystrokes to turn them on. These requests are "Quality of Life Issues" that the community would like addressed.

- If you have CenturyTel's version of a wire maintenance plan called Wire Watch you pay approximately \$3.99/month plus tax and fees. The plan used to cost \$0.99 and went up not too long ago. However the consumer will get hit with a "Truck Roll Service Fee". If you are physically challenged disabled, sick, injured, or elderly, and you have a modem, cordless phone, fax machine, alarm system, or medical device plugged into the telephone network in your home, CenturyTel will not sell you a maintenance plan in addition to it's Wire Watch for an additional fee. All of the other companies we spoke with said they have several maintenance plans, some of which carry a higher monthly fee to cover such an event. To me that is outright discrimination against our community, and is also a "Quality of Life Issue".
- Billing is another topic we need to focus on. Enclosed you will see copies of several of my CenturyTel bills, some of which are Single-Line bills, and some have two lines on one bill, (combined billing). The bills are confusing and with little detail. We called the CenturyTel Residence Service Center, and inquired about the details and was told, "Think of it like this. If I was Ford and you wanted a Model-T, you can have it in any color you want. However it only comes in black". All of our bills are generic. I asked about the increase in the FCC Line Charge, which went from \$3.50/month to \$5.00/month as of January 2002, and was told "you get what you pay for".
- Enclosed you will find a copy of one of my BellSouth bills, which is a Foreign Exchange Line. As you can see it is plainly detailed to the Penney. Not too confusing, plain as day. Also the reason for getting the FX Line in a residence, is that CenturyTel does not have enough trunks. Certain times of the day and on weekends you can't even complete calls into City of Chattanooga Tandem. So we bear an additional expense, and let CenturyTel control my family's local and long distance calling pattern. So now we by-pass their local DMS-100 switch, and get BellSouth dial tone in my home. We call when and where we want to without interference.
- Consumer Fraud is another sticking point. CenturyTel sells a DSL product for approximately \$49.95/month plus taxes and fees. Download speeds are said to be up to 512-kilobits per second, and upload speeds are up to 256-kilobits per second. The general consensus, here in Tennessee, is that for \$49.95/month you get 1.5-megabits per second download, and upload speed up to 256-kilobits per second, which is the normal industry standard. You get three times the speed for the same price.

ATTACHMENT # 4

BASS BERRY & SIMS **PLC**
Attorneys at Law

1-06-11

DATE/TIME: JUNE 27, 2002

TO: Michael Van Wies

FAX: 423/238-9088

FROM: Ross I. Booher
(615) 742-7764 (Tel.)
(615) 742-0450 (Fax)
rbooher@bassberry.com

NUMBER OF PAGES: 11
(INCLUDING COVER)

RE: CenturyTel
Docket No. 02-00058

2298246.1

To confirm receipt of this telecopy, or report any problems, please phone Chris West (615) 259-6124.

Notice to Recipient:

AmSouth Center
315 Deaderick Street • Suite 2700
Nashville, Tennessee 37238-3001
(615) 742-6200
www.bassberry.com

NOTE: This facsimile may contain **PRIVILEGED** and **CONFIDENTIAL** information intended only for the use of the specific individual or entity named above. If you or your employer is not the intended recipient of this facsimile or an employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any unauthorized dissemination or copying of this facsimile or the information contained in it is strictly prohibited. If you have received this facsimile in error, please immediately notify the person named above at once by telephone and return the original facsimile to us at the above address via the U.S. Postal Service.